

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

RONALD KOONS, *et al.*,

:
: No. 1:22-cv-07464

Plaintiffs,

:

v.

:
: **DECLARATION OF**
: **NICHOLAS GAUDIO**

WILLIAM REYNOLDS, *et al.*,

:

Defendants.

:

:

I, Nicholas Gaudio, declare as follows:

1. I am 42 years old and have been widowed since 2019. I have two children, both daughters, ages 12 and 10. I live in Cherry Hill, New Jersey.

2. I am a member of the four organizations that are plaintiffs in this case: Second Amendment Foundation; Firearms Policy Coalition, Inc.; Coalition of New Jersey Firearm Owners; and New Jersey Second Amendment Society.

3. I work for Lockheed Martin as a systems engineer and I have a US Department of Defense Top Secret security clearance. For over two years, I have mostly worked remotely. I have both a bachelor's degree and a master's degree from Villanova, both in computer engineering.

4. My late wife and I began shooting and otherwise becoming familiar with firearms in 2008. Among other things, she and I received gun safety, operational, and tactical training at Pistol People in Bensalem, PA, NRA Basic Pistol and NRA Basic Shotgun training through Sepulveda, Inc., and Utah Concealed Firearms Training. I went shooting with friends and my late wife several times per week until having children in 2010 and several times per year thereafter. Upon my older daughter's birth, in 2010, I seriously considered applying for a New Jersey

Permit to Carry a Handgun to ensure my ability to protect my defenseless child, but decided against it when I learned I was certain to be denied, and that I would have to report the denial when filling out forms in the future. Prior to my late wife's passing in 2019 from a brain aneurysm, she and I had taken our daughters to the shooting range to teach them firearm safety, respect, and proper handling. Recently, in the spring and summer of 2022, I directly witnessed several incidents of robbery and aggressive behavior at BJ's Wholesale Club in Maple Shade, New Jersey, and my family and I were directly threatened on the Boardwalk at Wildwood, New Jersey, both reaffirming my need to be able to protect myself and my children.

5. On July 14, 2022, shortly after the Supreme Court's decision on New York's handgun carry law, I submitted an application for a Permit to Carry a Handgun pursuant to N.J.S.A. § 2C:58-4 to the Cherry Hill Police Department in Cherry Hill, NJ. I paid a surcharge to have my fingerprints taken at an out-of-state location with the sole-source vendor since all New Jersey locations were overbooked for the foreseeable future, and I passed a qualification test demonstrating safe firearm handling and proficiency on July 8, 2022 with both a revolver and semi-automatic handgun. In August 2022, the Cherry Hill Police Department approved my application and submitted it to the Camden County Superior Court.

6. The Camden County Superior Court approved my application on October 7, 2022 and a State of New Jersey Permit to Carry a Handgun with no restrictions was issued to me by the Cherry Hill Police Department on October 12, 2022. A copy of this permit is attached as Exhibit 1.

7. The application process for the New Jersey Permit to Carry required me to spend over \$375 in expenses that will recur every two years during the renewal process. However, the \$150 increase to the Permit to Carry application fee would increase my bi-annual renewal

expenses to over \$525 which equates to over \$260 annually that I will have to pay to exercise my right to carry a handgun to protect myself and my children. The itemization of my incurred expenses to obtain my Permit to Carry in 2022 includes: \$96.45 for IdentoGO fingerprinting services, which was increased by \$30.40 due to the necessity to receive my fingerprints in Pennsylvania because of lack of availability in the New Jersey locations, \$100 for range fees and initial certification with a semi-automatic handgun plus \$25 for a secondary certification with a revolver, \$35 for a 50 round box of .45 ACP ammunition and \$35 for a 50 round box of .38 Special ammunition required for the two certifications, \$35 for two sets of two passport photographs, and a \$50 money order for the Permit to Carry application fee.

8. I also hold valid permits or licenses to carry handguns from Florida, Pennsylvania, and Utah, copies of which are attached as Exhibit 2. I could not obtain the Pennsylvania License to Carry Firearms until I had obtained my New Jersey Permit to Carry because Pennsylvania law requires non-residents to have unrestricted carry licenses or permits from their home state. I have legally carried for 13 years as a non-resident with non-resident permits and/or reciprocity agreements whenever visiting the states of Pennsylvania, Delaware, Virginia, North Carolina, Georgia, Florida, Tennessee, Kentucky, West Virginia, Ohio, Indiana, Louisiana, Texas, Arizona, Utah, and Nevada. On an out-of-state road trip in 2020, my daughters did not like the appearance of one of the motels where we were staying for a night, and they both told me that they were extremely comforted by the fact that they knew I was able to legally carry my handgun in that state because of my non-resident permits.

9. Once I received my New Jersey Permit to Carry, I began carrying a handgun on a daily basis. I carried a handgun while visiting retail locations such as BJ's Wholesale Club, Shop Rite, CVS, and Walgreens, at an auto mechanic shop, as well as when purchasing gas and

visiting convenience stores. I carried a handgun at restaurants (including restaurants that serve alcohol, although I do not drink alcohol), at a movie theater, at a wedding ceremony and reception, and while visiting with friends and family members. I carried a handgun while attending my daughters' softball practices and games and while picking up either of my children from swim practice at a local gym. I carried a gun while attending a community event at a local park and playground as well as at a YMCA camp in Northern New Jersey. I carried a handgun when I participated in early voting this year at the Merchantville Community Center, and I carried a handgun when I recently took my daughter to the pediatric emergency room following an accident. I have also carried a handgun with me during routine doctor and dentist appointments. My daughters and I love to hike together and I plan to carry a handgun whenever we are hiking.

10. As a general proposition, since obtaining my Permit to Carry a Handgun, I have carried a handgun while conducting my everyday suburban activities. There are only a limited number of times that I have not carried a gun. On several occasions, I have had to pick up my daughters from school, and since I understand that this is a prohibited location, including the parking lot, and there was no public parking available off of school property, I left my gun secured in a safe at home. In addition, I once avoided carrying a handgun while attending a shotgun clay shoot with a friend at a New Jersey Wildlife Management Area practice shooting range because the range itself was located on state park land, which I understood to be generally off limits from carrying firearms, other than those intended for use at the range. I also did not carry a gun when I purchased stamps and mailed all of my family's annual Christmas cards at the local US Post Office. In these situations, I secured my handgun in a hidden and locked safe within my car, attached to the car with a retention cable and ensured that my car was locked.

11. My everyday activities include driving a car, as well as riding in a car as a passenger. When driving a car or riding as a passenger, I carry my handgun secured in one of my holsters, including an inside-the-waistband holster, an ankle holster, a cross-draw chest holster, a belly band holster, or a secure pocket holster. My wardrobe, based on occasion and weather, determines which of my handguns and which method of carry and holstering is safest, most comfortable, and most appropriate. If I know I am going to a place where I cannot carry a gun, then I will most often leave my gun at home. However, sometimes circumstances develop such that I have to travel to a destination unexpectedly or in the course of a normal day's activities without the opportunity to stop at home, first. As stated previously, if I have to travel to a prohibited location while I am already armed, or if I have to travel to private property that prohibits firearms, I will most often store my handgun in an enclosed case in my vehicle. If I do so, I will keep the gun loaded when I store it. This is because, based on both my training and my experience, it is my view that it is unsafe to load and unload guns unnecessarily, particularly in a location like a car where I am visible to passersby and need to keep aware of my surroundings.

12. I have also checked my handgun in my baggage at the airport, including the Trenton-Mercer Airport (TTN), whenever traveling to locations in other states where I am permitted to carry a handgun. To comply with federal laws and regulations, this involves packing my unloaded handgun inside a locked container and then declaring it at the airport check-in counter.

13. I have monitored the legislation that has been pending before the Assembly and Senate as A4769/S3214 and have reviewed its text. I understand that section 7 of this legislation imposes extensive new restrictions on where a private citizen such as myself can carry a handgun by designating various places as "sensitive places" and prohibiting the carry of functional

handguns in vehicles. It is a serious felony crime to violate these restrictions. Among other things, the prohibited “sensitive places” include all private property without the owner’s express prior consent, as well as most government buildings, restaurants that serve alcohol, entertainment facilities like theaters and stadiums, museums, libraries, youth sporting events and polling places. Most of these are locations where I have carried firearms since obtaining my New Jersey Permit to Carry. In addition, I understand that airports are also “sensitive places,” which would appear to be prevent me from being able to check a handgun as baggage at the airport in the future.

14. These new restrictions leave me with only a limited ability to carry a handgun for the purpose of protecting myself and my family. For example, I can carry in my yard and while walking down a public street or sidewalk. I can carry a gun if I am in park that has not been declared to be a “gun free zone,” or if I am on public property that does not fall within one of the various “sensitive place” restrictions, such as a municipal parking lot (that is not connected to a government building). My residential neighborhood is not within reasonable walking distance of any commercial properties, so I cannot walk from my house to a store while carrying a handgun, even if the privately owned business consented to allowing firearms on premises.

15. Furthermore, these new restrictions effectively prohibit me from carrying a functional handgun while I am driving or riding in a passenger vehicle. If I were to need my handgun to protect myself, I would need to remove it from its container and then load it, which I likely would not have time to do. Additionally, the act of uncasing, loading, and holstering a handgun in public could easily be perceived as brandishing a handgun by passersby and bystanders, which creates the potential for law enforcement officers to misinterpret my only legal option to arm myself in public for a threatening act. This could potentially result in a situation where I could get arrested or injured due to a misunderstood innocent and legal action.

16. As a result of these new restrictions, and barring intervention by the courts, I will have no option but to leave my handgun at home when I am traveling in public by automobile, effectively negating all of the protections and freedoms that my family and I have enjoyed since October 12, 2022 and rendering my New Jersey Permit to Carry useless.

17. As stated previously, there is no practical way to traverse local roads and highways in a vehicle with a handgun, unloaded and locked in a safe, only to load and holster the handgun within public view after arriving at the destination, and with the destination itself likely being a restricted location per the new “sensitive places” portion of the new law, anyway.

18. I would resume carrying a handgun much more frequently if I did not face the sensitive place and vehicle carry restrictions challenged in this lawsuit. If I could, for example, buy gas or groceries, or see my doctor, or administer to someone at the hospital, or walk into a local coffee shop, or use my car between these activities without having to disarm myself, then I would be much more like carry a handgun again on a regular basis.

I affirm all of the foregoing statements under penalty of perjury under the laws of the United States of America.

Dated: December 23 2022


Nicholas Gaudio